



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/605,683	06/26/2000	Michael D. Ellis	UV-154	5787

7590

04/19/2006

G Victor Treyz
Fish & Neave
1251 Avenue of the Americas
New York, NY 10020-1104

EXAMINER

SALTARELLI, DOMINIC D

ART UNIT	PAPER NUMBER
----------	--------------

2623

DATE MAILED: 04/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/605,683	Applicant(s) ELLIS, MICHAEL D.	
	Examiner Dominic D. Saltarelli	Art Unit 2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 February 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-57, 60-150 and 153-186 is/are pending in the application.
- 4a) Of the above claim(s) 16-26, 38-52, 63-93, 109-119, 131-145 and 156-186 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15, 27-37, 53-57, 60-62, 94-108, 120-130, 146-150 and 153-155 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on February 23, 2006 has been entered.

Response to Arguments

2. Applicant's arguments with respect to claims 1-15 and 94-108 have been considered but are moot in view of the new grounds of rejection.

3. Applicant's arguments with respect to claims 27-37 and 120-130 have been fully considered but they are not persuasive.

Applicant argues that Scharber does not teach or suggest the use of an automatic filter to moderate newsgroup messages based on a predefined rating associated with a respective newsgroup (applicant's remarks, page 41, lines 5-8).

In response, the examiner respectfully disagrees with this assertion. In col. 3 line 63 through col. 4 line 15, Scharber discloses the use of an automatic filter (NNRP agent) to moderate messages in a virtual community based (col. 4, lines 9-15) on a predefined rating associated with a respective virtual community (col. 3, lines 37-41).

4. Applicant's arguments with respect to claims 53-57, 60-62, 146-150, and 153-155 have been fully considered but they are moot in view of the new grounds of rejection.

The instant office action points to a different section of Alexander for support of the claimed "other content", namely col. 26 line 57 – col. 27 line 2, which disclose displayed advertisements for products or services which are related to the displayed television programming content. Since the combination of Alexander and Farris also displays newsgroup listings related to the television programming content, the newsgroup listings are then, necessarily, related to the displayed advertisements as well.

5. The official notice take that newsgroups are hosted by any party with an interest in the subject to which the newsgroup is aimed, including proprietary parties and third parties, such as individual users, fan clubs, advertisers, sponsors, and content providers, and all such newsgroups are more than often available and open to the public at large for perusal was never traversed by applicant, and has been taken as an admission of fact therein.

6. The official notice taken that it is notoriously well known to moderate, or filter, content delivered to users at both main facilities, such as television distribution facilities, and at locations other than main facilities, such as receiver stations, where main facilities will only broadcast content which is allowed to be viewed by certain users and receiver stations will only display content which is allowed to be viewed by certain users was never traversed by applicant, and has been taken as an admission of fact therein.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1-11, 14, 15, 94-104, 107, and 108 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stautner et al. (6,172,677) [Stautner] in view of Farris et al. (5,881,131, of record) [Farris].

Regarding claims 1 and 94, Stautner discloses a method and system for allowing a user to access additional data via an interactive television application that is implemented using user television equipment having a display on which content is displayed (see fig. 2), comprising:

displaying a plurality of program listings in the interactive television application on the display, wherein at least one of the program listings have associated additional data related to the subject matter of the program listing (see fig. 2);

notifying the user of the availability of the additional data related to the subject matter of the program listing (the visible icons listed in the program guide provide links to the additional data when it is available, see fig. 2, links 30-80);

Allowing the user to issue a command associated with viewing the additional data (col. 5, lines 15-43); and

Displaying the additional data on the display upon the user issuing the command (col. 5, lines 15-43).

Stautner fails to disclose the additional data is newsgroup listings.

In an analogous art, Farris teaches the use of newsgroups as an Internet source of information on all manner of topics (col. 22 line 52 – col. 23 line 27), wherein newsgroups are extremely popular online forums for users to share information (col. 22, lines 53-58 and col. 23, lines 18-27).

It would have been obvious at the time to a person of ordinary skill in the art to modify the method and system of Stautner to access newsgroup listings, as taught by Farris, for the benefit of incorporating extremely popular and user interactive sources of information.

Regarding claims 2-4 and 95-97, Stautner and Farris disclose the method and system of claims 1 and 94, wherein the newsgroups listings includes USENET group listings (Farris, col. 22, lines 53-58), but fail to disclose the newsgroup listings include proprietary newsgroup listings or third-party newsgroup listings.

Newsgroups that are hosted by any party with an interest in the subject to which the newsgroup is aimed, including proprietary parties and third parties, such as individual users, fan clubs, advertisers, sponsors, and content providers, and all such newsgroups are more than often available and open to the public at large for perusal.

It would have been obvious at the time to a person of ordinary skill in the art to modify the method and system disclosed by Stautner and Farris to include proprietary newsgroup listings and third-party newsgroup listings, as such group listings are available for all manner topics, and including proprietary and/or third party listings would increase the diversity of information retrieved for viewing by a user.

Regarding claims 5 and 98, Stautner and Farris disclose the method and system of claims 1 and 94, including simultaneously displaying the content on the display (see Stautner, fig. 3).

Regarding claims 6 and 99, Stautner and Farris disclose the method and system of claims 1 and 94, wherein issuing a command is comprised of pressing a button on a remote control (Stautner, col. 4, lines 54-64).

Regarding claims 7 and 100, Stautner and Farris disclose the method and system of claims 1 and 94, wherein issuing a command is comprised of selecting a selectable element from the display (Stautner, col. 5, lines 15-43).

Regarding claims 8 and 101, Stautner and Farris disclose the method and system of claims 1 and 94, wherein users are allowed to select one of the

newsgroup listings and newsgroup message listings associated with the selected newsgroup listing are displayed (as this is how newsgroups operate in practice).

Regarding claims 9, 10, 102, and 103, Stautner and Farris disclose the method and system of claims 8 and 101, wherein all available newsgroup message listings are displayed (as all the available displayed messages are the newest messages, as Farris teaches older messages are periodically purged to make room for new messages, col. 23, lines 6-11).

Regarding claims 11 and 104, Stautner and Farris disclose the method and system of claims 8 and 101, wherein users are allowed to select one of the newsgroup message listings and, upon selection, displaying the newsgroup message associated with the selected newsgroup message listing on the display (as this is how newsgroups operate in practice).

Regarding claims 14 and 107, Stautner and Farris disclose the method and system of claims 1 and 94, including displaying a plurality of newsgroup listings on the display upon the user issuing the command, wherein each of the newsgroup listings that are displayed is related to the subject matter of the program listing (as this is how newsgroups operate in practice, when a user is connected to a newsgroup, that user is presented with a list of listings posted by

Art Unit: 2623

individuals, the contents of said listings being related to the topic of the particular newsgroup).

Regarding claims 15 and 108, Stautner and Farris disclose the method and system of claims 1 and 94, wherein the interactive television application is an interactive television program guide (see Stautner, fig. 2).

9. Claims 13 and 106 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stautner and Farris as applied to claims 1 and 94 above, and further in view of Alexander et al. (6,177,931, of record) [Alexander].

Regarding claims 13 and 106, Stautner and Farris disclose the method and system of claims 1 and 94, but fail to disclose simultaneously displaying an interactive advertisement on the display.

In an analogous art, Alexander teaches an electronic program guide (fig. 8) wherein users are presented with interactive advertisements (col. 4, lines 35-43) simultaneously with other content (fig. 1), providing an improved opportunity for commercial advertisers to reach viewers (item F listed in the summary in col. 2).

It would have been obvious at the time to a person of ordinary skill in the art to modify the method and system disclosed by Stautner and Farris to include simultaneously displaying an interactive advertisement on this display, as taught

Art Unit: 2623

by Alexander, for the benefit of providing commercial advertisers improved opportunities to reach viewer using high visibility advertisements.

10. Claims 12 and 105 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stautner and Farris as applied to claims 11 and 104 above, and further in view of Dillon et al. (US 2002/0059526 A1, of record) [Dillon].

Regarding claims 12 and 105, Britt and Farris disclose the method and system of claims 11 and 104, but fail to disclose allowing the user to access at least one attachment associated with the displayed newsgroup message, activating an application associated with the attachment, and using the application to display the content of the attachment.

In an analogous art, Dillon teaches it is common for newsgroup messages to include attachments (paragraph 0007), wherein accessing the attachments requires activating an application which displays the content of the attachment (such as a media player for audio or video files, or an image viewer for static image files).

It would have been obvious at the time to a person of ordinary skill in the art to modify the method and system of Stautner and Farris to include allowing the user to access at least one attachment associated with the displayed newsgroup message, activating an application associated with the attachment, and using the application to display the content of the attachment, as taught by

Dillon, for the benefit of enabling users to view the attachments that are often included with newsgroup messages.

11. Claims 27-33 and 120-126 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stautner in view of Farris and Scharber et al. (6,374,290, of record) [Scharber].

Regarding claims 27 and 120, Stautner discloses a method and system for displaying additional information to a user of an interactive television application (fig. 2) comprising, allowing the user to use the interactive television application to access the additional information, and displaying the additional information to the user (col. 5, lines 15-43).

Stautner fails to disclose the additional data is moderated newsgroup listings, and using an automatic filter to moderate the newsgroup messages, wherein each of the newsgroup messages is associated with a respective newsgroup and is moderated to meet a predefined rating associated with the respective newsgroup.

In an analogous art, Farris teaches the use of moderated newsgroups as an Internet source of information on all manner of topics (col. 22 line 52 – col. 23 line 27), wherein newsgroups are extremely popular online forums for users to share information (col. 22, lines 53-58 and col. 23, lines 18-27).

It would have been obvious at the time to a person of ordinary skill in the art to modify the method and system of Stautner to access moderated

newsgroup listings, as taught by Farris, for the benefit of incorporating extremely popular and user interactive sources of information.

Stautner and Farris fail to disclose using an automatic filter to moderate the newsgroup messages, wherein each of the newsgroup messages is associated with a respective newsgroup and is moderated to meet a predefined rating associated with the respective newsgroup.

In an analogous art, Scharber teaches self moderated virtual communities (col. 2, lines 44-46) wherein ratings are associated with different groups (col. 3, lines 46-31), and said ratings determine how messages in the groups are automatically filtered (the automatic filter is the NNRP agent, col. 3 line 63 – col. 4 line 15), allowing virtual communities to automatically self moderate themselves to remove objectionable content from messages according to the preferences of the users (col. 4, lines 16-42).

It would have been obvious at the time to a person of ordinary skill in the art to modify the method and system disclosed by Stautner and Farris to include predefined ratings for newsgroups, wherein messages are automatically filtered according to said predefined ratings, as taught by Scharber, for the benefit of enabling self moderation of newsgroups to remove objectionable content from messages.

Regarding claims 28 and 121, Stautner, Farris, and Scharber disclose the method and system of claims 27 and 120, and further disclose using a human moderator to moderate the newsgroup message (Farris, col. 22, lines 52-65).

Regarding claims 29-31 and 122-124, Stautner, Farris, and Scharber disclose the method and system of claims 27 and 120, but fail to disclose exactly where the moderation takes place.

It is notoriously well known to moderate, or filter, content delivered to users at both main facilities, such as television distribution facilities, and at locations other than main facilities, such as receiver stations, where main facilities will only broadcast content which is allowed to be viewed by certain users and receiver stations will only display content which is allowed to be viewed by certain users.

It would have been obvious at the time to a person of ordinary skill in the art to modify the method and system of Stautner, Farris, and Scharber to perform the moderation at either a main facility, such as a television broadcast facility, or at a location other than a main facility or television broadcast facility, such as at the receiver station. The benefit of performing moderation at a main facility, such as a television broadcast facility, would allow the moderation to be controlled at a remote location, for controlling the delivery of content with regards to usage rights and/or privileges, such as paid or exclusive content going only to those users who have paid for or otherwise have the right to said content. The benefit

Art Unit: 2623

of providing moderation at a location other than a main facility or television distribution facility would allow the moderation to be controlled locally, such as providing parental control moderation.

Regarding claims 32, 33, 125, and 126, Stautner, Farris, and Scharber disclose the method and system of claims 27 and 120, but fail to disclose the moderating is comprised of removing predefined words from the newsgroup messages in accordance with a predefined rating for the newsgroup associated with each respective newsgroup message.

However, Scharber teaches moderated virtual communities wherein the removal of certain objectionable words or phrases based upon group rating is well within spirit and scope of the disclosure (col. 5, lines 46-55) regarding the removal of objectionable content.

Therefore it would have been obvious at the time to a person of ordinary skill in the art to modify the method and system disclosed by Stautner, Farris, and Scharber to include the removal of predefined words from the messages according to the rating, removing objectionable content from messages.

12. Claims 34, 35, 37, 127, 128, and 130 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stautner, Farris, and Scharber as applied to claims 27 and 120 above, and further in view of Cirasole et al. (5,987,606, of record) [Cirasole].

Regarding claims 34 and 127, Stautner, Farris, and Scharber disclose the method and system of claims 27 and 120, but fail to disclose allowing users to use the interactive television program guide to selectively identify and block access to particular newsgroups.

In an analogous art, Cirasole discloses allowing users to selectively identify and block access to particular sources of content (col. 5, lines 31-43), for the benefit of limiting sources to exclude unauthorized sources.

It would have been obvious at the time to a person of ordinary skill in the art to modify the method and system of Stautner, Farris, and Scharber to include allowing users to selectively identify and block access to particular content sources, as taught by Cirasole, using the interactive television program guide, for the benefit of limiting sources to exclude unauthorized sources, providing parental control over available newsgroups.

Regarding claims 35 and 128, Stautner, Farris, Scharber, and Cirasole disclose the method and system of claims 34 and 127, wherein Cirasole further discloses displaying a message to a user who attempts to access an unauthorized content source (col. 5, lines 44-50), alerting a user to the status of the content source with respect to the user.

Regarding claims 37 and 130, Stautner, Farris, and Scharber, and Cirasole disclose the method and system of claims 34 and 127, wherein the

interactive television application is an interactive television program guide (see Stautner, fig. 2).

13. Claims 36 and 129 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stautner, Farris, Scharber, and Cirasole as applied to claims 34 and 127 above, and further in view of Dillon.

Regarding claims 36 and 129, Stautner, Farris, Scharber, and Cirasole disclose the method and system of claims 34 and 127, but fail to disclose allowing one user to set an access code, allowing any number of users to attempt to access the selected newsgroups, asking the user attempting to access any of the selected newsgroups to enter the access code, and giving the user attempting to access any of the selected newsgroups access to the selected newsgroups one the user enters the access code.

In an analogous art, Dillon teaches enabling a user to password protect access to newsgroups at a subscriber location (paragraph 56), enhancing the security of a subscriber station.

It would have been obvious at the time to a person of ordinary skill in the art to modify the method and system disclosed by Stautner, Farris, Scharber, and Cirasole to password protect access to newsgroups at t subscriber location, as taught by Dillon, providing enhanced security at the user location regarding the access to newsgroups, such that the primary user can selectively share said password with other trusted users.

14. Claims 53-57, 60-62, 146-150, and 153-155 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alexander in view of Farris.

Regarding claims 53 and 146, Alexander discloses a method and system for displaying interactive television program guide content to a user (fig. 1) on user television equipment having a display (col. 3, lines 1-20), comprising:

Displaying television programming in a reduced size window in a first section of the display (fig. 1, PIP window 12, col. 3, lines 56-62); and

Simultaneously displaying additional information in a second section of the display (grid guide 22 displays additional information regarding programs, col. 4 line 62 – col. 5 line 4); and

simultaneously displaying other content in a third section of the display (fig. 1, Ad Window 16), wherein the additional information is related to the subject matter of the television programming (when the PIP is in unlocked mode, the program for which additional information is shown is that which is being displayed in the first section, col. 3 line 63 – col. 4 line 13 and col. 4 line 62 – col. 5 line 4), and thus also the other content, which is also related to the subject matter of the television programming (col. 26 line 57 – col. 27 line 2).

Alexander fails to disclose the additional information consists of newsgroup content.

In an analogous art, Farris teaches the use of newsgroups as a source of information on all manner of topics (col. 22 line 52 – col. 23 line 27), wherein

newsgroups are extremely popular online forums for users to share information (col. 22, lines 53-58 and col. 23, lines 18-27).

It would have been obvious at the time to a person of ordinary skill in the art to modify the method and system of Alexander to access newsgroup content, as taught by Farris, for the benefit of incorporating extremely popular and user interactive sources of information.

Regarding claims 54 and 147, Alexander and Farris disclose the method and system of claims 53 and 146, wherein the other content is comprised of an interactive advertisement (Alexander, fig. 1, Ad Window 16, col. 4, lines 35-43).

Regarding claims 55, 56, 57, 148, 149, and 150, Alexander and Farris disclose the method and system of claims 53 and 146, wherein the newsgroup content includes newsgroup listings, message listings, and messages (this is the manner in which newsgroups operate, users select a desired newsgroup listing in order to enter a desired newsgroup, and are then presented with newsgroup message listings so that a user may select a desired message, wherein the user is then presented with said message).

Regarding claims 60 and 153, Alexander and Farris disclose the method and system of claims 59 and 152, wherein the other content is comprised of text (commercials for products and services include text).

Regarding claims 61, 62, 154, and 155, Alexander and Farris disclose the method and system of claims 59 and 152, wherein the other content is comprised of video [graphics] (Alexander, col. 4, lines 28-34).

Conclusion

15. The following are suggested formats for either a Certificate of Mailing or Certificate of Transmission under 37 CFR 1.8(a). The certification may be included with all correspondence concerning this application or proceeding to establish a date of mailing or transmission under 37 CFR 1.8(a). Proper use of this procedure will result in such communication being considered as timely if the established date is within the required period for reply. The Certificate should be signed by the individual actually depositing or transmitting the correspondence or by an individual who, upon information and belief, expects the correspondence to be mailed or transmitted in the normal course of business by another no later than the date indicated.

Art Unit: 2623

Certificate of Mailing

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

on _____.
(Date)

Typed or printed name of person signing this certificate:

Signature: _____

Certificate of Transmission

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, Fax No. (703) _____ - _____ on _____.
(Date)

Typed or printed name of person signing this certificate:

Signature: _____

Please refer to 37 CFR 1.6(d) and 1.8(a)(2) for filing limitations concerning facsimile transmissions and mailing, respectively.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dominic D. Saltarelli whose telephone number is (571) 272-7302. The examiner can normally be reached on Monday - Friday 7:00am - 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Dominic Saltarelli
Patent Examiner
Art Unit 2611

DS



JOHN MILLER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600